

(Counsel listed on following pages)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOE LEWIS LUQUE AND HERMAN
RICHARDSON, Individually and On Behalf
of All Others Similarly Situated,

Plaintiffs,

v.

AT&T CORP., PACIFIC BELL
TELEPHONE CO. d/b/a AT&T
CALIFORNIA, AND AT&T
COMMUNICATIONS OF CALIFORNIA,
INC.,

Defendants.

No. 3:09CV5885 (CRB)(JCS)

JOINT STIPULATION

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1 Plaintiffs Joe Lewis Luque and Herman Richardson and defendants Pacific Bell
2 Telephone Company, AT&T Corp., and AT&T Communications of California, Inc., acting
3 through their respective counsel of record, hereby stipulate as follows:

4 1. The parties have mediated all claims in this action and have reached a class
5 settlement that is subject to Court approval. The parties have also reached a settlement of the
6 claims in *Lawson et al. v. BellSouth Telecomm., Inc.*, 1:09-CV-3528-JEC (N.D. Ga.) and *Perkins,*
7 *et al. v. Southern New England Telephone Co.* 3:07-CV-967-JCH (D. Conn.).

8 2. A preliminary approval hearing in this matter was held on October 12, 2012, after
9 which the Court granted preliminary approval of the settlement in this action and ordered that
10 notice of the settlement be published. (Doc. 191). The Court ordered the parties to submit a
11 revised proposed order incorporating publication of notice and the changes to Class Counsel's
12 firm name and individual attorney designations that were raised at the hearing.

13 3. Per the terms of the agreement reached by the parties, the \$27,050,000 in
14 settlement funds allocated to this action and the *Lawson* case were to be apportioned between the
15 two cases on a pro rata basis based on the number of class member workweeks eligible for
16 compensation in the respective lawsuits. (Doc. 183, ¶34).

17 4. Plaintiffs' counsel recently discovered that in performing the apportionment
18 calculations, workweeks in which class members in the *Lawson* case supervised employees in
19 two of the outside technician job titles were mistakenly excluded from the computation of
20 eligible workweeks despite meeting the collective action definition in the *Lawson* case.

21 5. The corrected allocation of compensable workweeks between the individuals in
22 the two cases results in a pro rata settlement amount of \$18,920,325 in this action. This amount
23 represents a decrease of less than 3% from the \$19,407,164 settlement amount incorrectly
24 allocated to this action in the Joint Stipulation of Class Settlement and Release previously
25 submitted to the Court. (Doc. 183-1).

26 6. The corrected settlement amount more accurately effectuates the parties' intent of
27 apportioning the settlement funds allocated to this action and the *Lawson* case on a pro rata basis
28 based on the number of workweeks eligible to be compensated in the respective lawsuits.

7. Plaintiffs' Motion for Preliminary Approval also included references to the Maximum Payment amount, attorneys' fee amounts, anticipated maximum individual recovery and service payments as a percent of the Maximum Payment. Based on the revised Maximum Payment, the anticipated maximum individual recovery is \$18,475, not including service payments being sought for a number of the Class Members. Service payments are 0.67% of the revised Maximum Payment.

8. The parties have executed a corrected Joint Stipulation of Class Settlement and Release that includes the corrected Maximum Payment amount, the corresponding corrected attorneys' fee amount, the changes to Class Counsels' firm name and individual attorney designations, and the increased estimated costs of administration attributable to publishing notice of settlement as ordered by the Court. The corrected Joint Stipulation of Class Settlement and Release is attached hereto as Exhibit A.

9. The parties have also corrected the proposed Class Notice to reflect the corrected Maximum Payment, the changes to Class Counsels' firm name and individual attorney designations, and the increased estimated costs of administration attributable to publishing notice of settlement as ordered by the Court. The corrected Class Notice is attached hereto as Exhibit B.

10. The parties have also drafted a notice of settlement for publication as ordered by the Court. The notice of settlement for publication is attached hereto as Exhibit C.

Dated: November 16, 2012. DAVID SANFORD
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7 William C. Barker
8 Attorneys for Defendants
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10 AT&T Communications of California, Inc.

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